

Applic. No. 09/814,488

Amdt. dated December 9, 2005

Reply to Office action of September 9, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-14 remain in the application.

In the third paragraph on page 2 of the above-identified Office action, claims 1 and 4-12 have been rejected as being fully anticipated by Schmelz (U.S. Patent No. 5,628,186) under 35 U.S.C. § 102.

It is once again noted that the corporate assignee of the Schmelz reference is also the assignee of the instant application. Therefore, applicant is very familiar with the Schmelz reference.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 6 call for, *inter alia*:

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the monitoring unit having an interface to be connected to an external measuring or control unit.

As stated in the previous response, the present invention as claimed includes a monitoring unit having an interface to be connected to the terminal of an external measuring or control unit. The interface allows at least one of the functional relationships and the values for the operationally relevant parameters to be transmitted, checked, and if appropriate, for correction of the functional relationship with the external measuring or control unit.

The Schmelz reference does not disclose the monitoring unit having an interface to be connected to an external measuring or control unit, as recited in claims 1 and 6 of the instant application.

The Examiner alleges in the last paragraph on page 4 of the Office action that Schmelz discloses that the device measures exhaust gas parameters at the measuring point (6) via the interface (E2) in the same manner as in Fig. 1 of the instant application, where parameters are measured external measuring unit 31 via the sensor 36 and the interface 37. Applicants respectfully disagree with the Examiner's conclusion, which

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follows from the Examiner's allegation, that Schmelz discloses a device having an interface to an external measuring unit.

It respectfully believed that the Examiner's conclusion is in error because Schmelz discloses that the exhaust gas parameters measured at the measurement location (6) are used via the interface (E2) during the operation of the exhaust gas cleaning system. This is not the case in the present invention as claimed, in which the sensor 36 has no connection to the control unit 20 (internal system) during continuous operation. While the sensor 36 of the instant application may be disposed in a similar location to the sensor (6) of Schmelz, the sensor 36 of the instant application is used in a different manner. The sensor 36 of the instant application is used for balancing during application of the external measuring unit. Accordingly, the sensor 36 of the instant application is assigned to the measuring unit 31. In this respect the present invention provides a sensor at the location of sensor 36 so that the sensor can be used by the external measuring unit 31 for a possible correction of the functional relationship during a checkup.

Because Schmelz discloses a sensor (6) for measuring exhaust gas parameters, at a location similar to the location of sensor 36 of the instant application, it cannot be concluded

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that the location of sensor (6) of Schmelz is an external measuring point. Therefore, Schmelz does not disclose an interface to an external measuring unit.

This difference is even more evident in claim 6 of the instant application, which discloses that the checkup or correction of the functional relationship is performed, via the interface, during maintenance work.

As seen from the above-given remarks, it is respectfully noted that the Examiner's comments that Schmelz discloses a device having an interface to an external measuring unit, are not correct. Accordingly, claims 1 and 6 are believed to be allowable. Since claims 1 and 6 are believed to be allowable over Schmelz, dependent claims 4, 5, and 7-12 are believed to be allowable over Schmelz as well.

In the penultimate paragraph on page 3 of the Office action, claims 2 and 3 have been rejected as being obvious over Schmelz (U.S. Patent No. 5,628,186) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 2 and 3 are believed to be allowable as well.

In the first paragraph on page 4 of the Office action, claims 13 and 14 have been rejected as being obvious over Schmelz

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(U.S. Patent No. 5,628,186) in view of Sawada (U.S. Patent No. 5,983,629) under 35 U.S.C. § 103. Sawada does not make up for the deficiencies of Schmelz. Since claim 6 is believed to be allowable, dependent claims 12 and 14 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 6. Claims 1 and 6 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 6, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

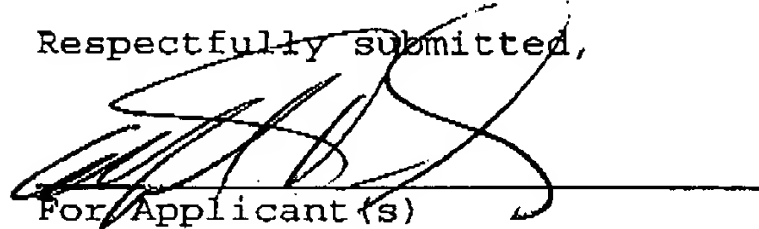
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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully Submitted,



For Applicant(s)

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